

Exhibit 1

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
CITY OF ST. LOUIS

MARGO GILL, ON BEHALF OF)
HERSELF AND HER MINOR)
CHILD, R.D.,) Cause No.
) 2322-CC01251
Plaintiff,)
) Div. 22
-vs-)
)
ABBOTT LABORATORIES, et al.,)
)
Defendants.)

The videotaped deposition of MILES WHITE,
called by the Plaintiff for examination, taken
before CORINNE T. MARUT, C.S.R. No. 84-1968,
Registered Professional Reporter and a Certified
Shorthand Reporter of the State of Illinois, at the
offices of Kirkland & Ellis LLP, Suite 5200, 333
West Wolf Point Plaza, Chicago, Illinois, on
June 19, 2024, commencing at 10:05 a.m.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 JUDGE NORTON, Special Master (via Zoom)</p> <p>3</p> <p>4 ON BEHALF OF THE PLAINTIFF:</p> <p>5 TORHOERMAN LAW LLC</p> <p>6 210 South Main Street</p> <p>7 Edwardsville, Illinois 62025</p> <p>8 618-656-4400</p> <p>9 BY: TOR HOERMAN, ESQ.</p> <p>10 tor@thlawyer.com</p> <p>11 ERIC CRACKEN, ESQ.</p> <p>12 ecracken@thlawyer.com</p> <p>13 CHAD FINLEY, ESQ. (via Zoom)</p> <p>14 cfinley@thlawyer.com</p> <p>15 TYLER J. SCHNEIDER, ESQ. (via Zoom)</p> <p>16 tyler@thlawyer.com</p> <p>17</p> <p>18 -and-</p> <p>19</p> <p>20 STRANCH, JENNINGS & GARVEY, PLLC</p> <p>21 701 Market Street, Suite 1510</p> <p>22 St. Louis, Missouri 63101</p> <p>23 314-390-6750</p> <p>24 BY: ELLEN THOMAS, ESQ. (via Zoom)</p> <p>ethomas@stranchlaw.com</p> <p>-and-</p> <p>STRANCH, JENNINGS & GARVEY, PLLC</p> <p>223 Rosa L. Parks Avenue, Suite 200</p> <p>Nashville, Tennessee 37203</p> <p>615-254-8801</p> <p>BY: CALEB HARBISON, ESQ. (via Zoom)</p> <p>charbison@stranchlaw.com</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">I N D E X</p> <p>1 MILES WHITE EXAMINATION</p> <p>2 BY MR. HOERMAN..... 7</p> <p>3 BY MR. HURST..... 210</p> <p>4 BY MR. HOERMAN..... 230</p> <p>5</p> <p>6</p> <p style="text-align: center;">E X H I B I T S</p> <p>7</p> <p style="text-align: center;">PLAINTIFF EXHIBIT MARKED FOR ID</p> <p>8</p> <p>9 Exhibit 1 Demonstrative exhibit 59</p> <p>10 Exhibit 2 Demonstrative exhibit 122</p> <p>11 Exhibit 3 Demonstrative exhibit 129</p> <p>12 Exhibit 4 1/24/14 e-mail string; 143</p> <p>13 ABT_Jupiter05772495</p> <p>14 Exhibit 5 Demonstrative exhibit 153</p> <p>15 Exhibit 6 Handwritten document 159</p> <p>dated 4/26</p> <p>16 Exhibit 7 Document, handwritten 169</p> <p>17 notes dated 5/1; Bates</p> <p>18 Nos. GillProduced_000199</p> <p>19 - 000202</p> <p>20 Exhibit 8 Document, 191</p> <p>21 "Pharmacoeconomic Model";</p> <p>22 Bates Nos.</p> <p>23 ABT_Jupiter01733378 -</p> <p>24 01733390</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continued):</p> <p>2 ON BEHALF OF THE DEFENDANTS and THE DEPONENT:</p> <p>3 KIRKLAND & ELLIS LLP</p> <p>4 333 West Wolf Point Plaza</p> <p>5 Chicago, Illinois 60654</p> <p>6 312-862-2000</p> <p>7 BY: JAMES F. HURST, ESQ.</p> <p>8 james.hurst@kirkland.com</p> <p>9</p> <p>10 -and-</p> <p>11</p> <p>12 JONES DAY</p> <p>13 110 North Wacker Drive, Suite 4800</p> <p>14 Chicago, Illinois 60606</p> <p>15 312-782-3939</p> <p>16 BY: KRISTINA K. CERCONE, ESQ.</p> <p>17 kcercone@jonesday.com</p> <p>18 -and-</p> <p>19 WINSTON & STRAWN LLP</p> <p>20 2121 North Pearl Street, Suite 900</p> <p>21 Dallas, Texas 75201</p> <p>22 214-453-6500</p> <p>23 BY: AARON C. O'DELL, ESQ. (via Zoom)</p> <p>24 acodell@winston.com</p> <p>15</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 JIM LOPEZ, Exhibit Technician</p> <p>19</p> <p>20 VIDEOTAPED BY: BEN STANSON</p> <p>21</p> <p>22 REPORTED BY: CORINNE T. MARUT, C.S.R. No. 84-1968</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">EXHIBIT INDEX (Continued)</p> <p>1</p> <p style="text-align: center;">DEFENDANT EXHIBIT MARKED FOR ID</p> <p>2</p> <p>3 Exhibit 9 Demonstrative exhibit 212</p> <p>4 Exhibit 10 Demonstrative exhibit 214</p> <p>5 Exhibit 11 1/14/14 e-mail with 222</p> <p>attachment;</p> <p>6 Bates Nos. 01966591</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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1 the claimed benefits were of Prolacta with respect
 2 to NEC?
 3 A. It wasn't relevant, and I'll tell you
 4 why.
 5 Q. I didn't ask you.
 6 A. The benefits -- the same --
 7 Q. I'm just asking you whether you knew or
 8 not. Your lawyer can ask you about the relevance
 9 of it.
 10 I'm asking you, you did not understand
 11 the benefits with respect to NEC that were being
 12 touted by your sales force?
 13 A. I did understand.
 14 Q. You did?
 15 A. I did.
 16 Q. You understood it was 77%?
 17 A. I didn't know 77%. But I understand
 18 that generally the positioning was human milk
 19 product, lower incidence rate, improved incidence
 20 rate, versus formula.
 21 Q. Perfect. I appreciate that.
 22 You did understand that when you made
 23 the decision?
 24 A. Yes.

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1 Q. Okay. That this product that you were
 2 choosing not to buy could decrease the amount of
 3 kids that get this horrible disease. You
 4 understood that?
 5 A. It already was.
 6 Q. Understood. And you understood that
 7 when you made that decision?
 8 A. Abbott didn't have to own it.
 9 Q. I got it. I got it. But if you did,
 10 you would have tried to scale it, right?
 11 A. My assessment was it could not be scaled
 12 for the following reason: The numbers of mothers,
 13 lactating mothers, that it would take to serve a
 14 greater market was so great as to not be feasible
 15 to do for the following reason.
 16 The suggestion was we were going to go
 17 pay mothers to provide that milk as the supply.
 18 Whenever we've -- we or others in the industry have
 19 had to go out to purchase or collect, let's take
 20 plasma as an example, the plasma industry, that
 21 puts the burden heavily on people from a low
 22 socioeconomic background.
 23 So, imagine that you have to go out and
 24 find an enormous quantum leap in the numbers of

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1 lactating mothers, persuade them by paying them to
 2 give their milk, which could go to their own
 3 babies, to give their milk to a company to create a
 4 product that you can't scale because you can't get
 5 that many without impacting their own babies and
 6 without impacting lower socioeconomic populations,
 7 that's not scaleable.
 8 And I bet you if you go look, Prolacta
 9 isn't producing or selling any more today than they
 10 were ten years ago.
 11 Q. They don't have Abbott behind them
 12 either, do they?
 13 A. They don't need Abbott behind them. If
 14 the argument is so compelling, and I think there is
 15 a compelling argument for human milk --
 16 Q. Fortifier.
 17 A. Well, fortifier or human milk to treat
 18 babies. Whether -- well, I guess it is donated
 19 milk in any case.
 20 There is a compelling medical answer
 21 there. If that's the case, that didn't depend on
 22 Abbott.
 23 Q. Why not? It could have. If you bought
 24 the company, you would have a bunch of effort

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1 behind it, wouldn't you?
 2 A. I don't think it could be done, and I
 3 don't think that the -- what would I call it? I'm
 4 not sure that you can make an ethical argument for
 5 trying to pay mothers --
 6 Q. So, was it ethics?
 7 A. -- to donate their milk.
 8 Q. Fair enough. Was it ethics that --
 9 A. I think it's a combination of factors,
 10 but the first one was the notion of trying to scale
 11 this to the number of lactating mothers that you
 12 would need to collect.
 13 Look, there is organizations that
 14 collect donated milk as it is. They can't find
 15 enough people to create more donated milk, and you
 16 can't do it without impacting the babies that are
 17 served by those mothers.
 18 So, I didn't believe that that was a
 19 workable or even valid business argument. And you
 20 were going to have to go pay for the unit at more
 21 than what I believe they put in their presentation
 22 to me. I didn't buy their business model at all.
 23 Q. Okay. Fair enough. So, but for four
 24 years --

<p style="text-align: right;">Page 222</p> <p>1 there? Actually, I'll do that anyway. So, should 2 we blow it up? 3 So, actually -- this is my copy. It 4 doesn't matter, right? All right. 5 (WHEREUPON, Exhibit 11 was marked 6 for identification: 1/14/14 e-mail 7 with attachment; Bates Nos. 8 01966591.) 9 BY MR. HURST: 10 Q. Mr. White, you see the date there, it's 11 January 14, 2014? 12 A. Yes. 13 Q. All right. And you see at the bottom, 14 second paragraph from the bottom, it says, "The 15 purpose of this meeting is to walk through flow of 16 the Prolacta deck that we'll send to Rhonda by end 17 of day supporting JCL/KCD discussion with MDW next 18 Monday." 19 Do you see that? 20 A. Yes. 21 Q. Who is MDW? 22 A. That would be me. 23 Q. Okay. All right. If you go to the 24 first page, it says, "Project Goodwill, Donor Milk</p>	<p style="text-align: right;">Page 224</p> <p>1 "2014"? 2 A. Yes. 3 Q. And it says, "Supply, 774." Do you see 4 that? 5 A. Yes. 6 Q. Now, if you go all the way out to 2023, 7 it says, "Supply, 3,815." 8 Do you see that? 9 A. Yes. 10 Q. What kind of an increase in supply is 11 your team making as they're recommending or -- 12 recommending that we consider, that Abbott consider 13 buying Prolacta? 14 A. Well, the math alone says about five 15 times over a ten-year period. 16 Q. Okay. Now, I'm going to ask you two 17 kinds of questions. One is do you think that was 18 executable, and then two is did you have any 19 problems with their plan to try to execute it. 20 So, what did you think? Was that 21 executable? 22 A. I did not think that was executable. 23 Q. Why? 24 A. Because if you're going to go out, which</p>
<p style="text-align: right;">Page 223</p> <p>1 2013." 2 Do you see that? 3 A. Yes. 4 Q. What's that refer to? 5 A. I can only assume it refers -- it refers 6 to Prolacta. 7 Q. Yeah. And you'll see "Agenda. Review 8 strategic value for Abbott entering the donor milk 9 market." 10 Do you see that? 11 A. Yeah. 12 Q. Okay. I just really just want to ask 13 you about one portion of this, this deck. And if 14 you go to -- it's page 14. It's really tiny print. 15 You can probably -- 16 A. On the -- okay. 17 Q. Oh, it's the tab. We put a tab there 18 for you. 19 A. Got it. 20 Q. It says at the top "Donor Milk Financial 21 Estimates." 22 Do you see that? 23 A. Yes. 24 Q. Okay. And there is a column that says</p>	<p style="text-align: right;">Page 225</p> <p>1 this presumes, and pay for mothers to donate their 2 own breast milk, you're going to have to find an 3 awful lot of donor mothers and you're going to find 4 that you are over-relying on lower socioeconomic 5 demographics because you're incenting them with 6 money and they're going to have to make a decision 7 about diverting their own breast milk to this 8 purpose. 9 And, in addition, because of that lower 10 economic status, you're going to have to recruit 11 far more volume than this even projects because 12 just through the diagnostic testing and so forth of 13 the product you're going to have to do, you're 14 going to reject an awful lot of that source. 15 Q. So, what do you mean "diagnostic 16 testing"? 17 A. Testing for drug use, testing for 18 hepatitis. You'd have to do the same thing with 19 this that you do with blood units when people 20 donate blood. 21 Q. Okay. And did you have any concerns 22 with mothers diverting their lactated milk to 23 selling it to Abbott Laboratories as opposed to 24 giving it to their own infants?</p>

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1 A. Yes. And beyond that, if you're going
 2 to go pay for units, you're probably going to
 3 threaten the supply that comes from not-for-profit
 4 donor organizations. So, you're going to disrupt
 5 what already exists in trying to pay for supply and
 6 trying to create the supply, which I think begins
 7 to tread into areas where I think the ethics can be
 8 challenged on that.
 9 Q. Okay.
 10 A. I just didn't think it was executable.
 11 Q. Okay. Did Abbott want to be -- as the
 12 CEO, was -- were you comfortable with Abbott
 13 getting into the business of trying to buy donor
 14 milk from mothers and particularly if you would
 15 have had to target those in the lower socioeconomic
 16 strata of our society?
 17 A. No. And, you know, I had seen similar
 18 models in the plasma industry, et cetera, that
 19 would validate my concern and assumptions because
 20 one of the first areas I was involved in when I
 21 joined Abbott was blood screening and plasma
 22 screening. And that's how the plasma market works.
 23 And, so, you know, I have that experience. I've
 24 seen that, but the people in nutrition have not.

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1 Q. Okay.
 2 A. They've only been in that business. So,
 3 I don't think they would have considered that
 4 particular dimension of this.
 5 And to me, this was not going to be,
 6 first of all, executable. Secondly, the way in
 7 which it had to be executed to try to reach volume
 8 targets like this, I just didn't think was going to
 9 fly.
 10 Q. All right.
 11 MR. HOERMAN: I don't mean to interrupt your
 12 flow. But this document, has this been produced to
 13 us?
 14 MS. CERCONE: Yes, it has.
 15 MR. HOERMAN: I didn't see the Bates. There
 16 is no Bates on it.
 17 MS. CERCONE: Oh, then it got cut off. It's
 18 01966591.
 19 BY MR. HURST:
 20 Q. Mr. White, you mentioned the plasma
 21 business. Has Abbott ever been in the business of
 22 buying plasma from donors itself? Has Abbott ever
 23 been in that business?
 24 A. It's possible, but I'm not sure.

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1 Q. All right.
 2 A. Maybe for research purposes.
 3 Q. Okay. But what was your exposure to the
 4 plasma business that helped to guide your thinking
 5 on this idea of trying to --
 6 A. The plasma -- sorry.
 7 Q. -- trying to buy human milk from
 8 mothers?
 9 A. My familiarity with the plasma business
 10 was because they were a big customer of diagnostic
 11 testing to screen donated plasma or blood units.
 12 Q. Okay. Another question.
 13 MR. HURST: Can you help me? Thank you.
 14 BY MR. HURST:
 15 Q. Mr. Hoerman showed you this document
 16 where it says at the bottom "Meaningless
 17 Distraction."
 18 Do you see that?
 19 A. Yes.
 20 Q. And you saw those two words used in an
 21 e-mail between you and Mr. Freyman surrounding this
 22 Prolacta decision?
 23 A. Um-hmm.
 24 Q. Okay. What did you mean by that?

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1 A. That was a reference solely to my belief
 2 that as an acquisition, because the business
 3 couldn't be scaled and because it had the issues
 4 that I just described, spending time on due
 5 diligence to try to pursue it was a waste of our
 6 time because just because somebody had an idea, it
 7 doesn't make it one that can be executed. I didn't
 8 think it could be. So, I thought it was a
 9 distraction to pursue it or even to lead Prolacta
 10 along because it wasn't going to be doable.
 11 Q. And, in fact, Prolacta was doing this
 12 whether or not Abbott purchased the company?
 13 A. Prolacta was already in business and we
 14 had been their co-marketing partner, which gave
 15 them access to all the NICUs and so forth through
 16 us, which was a good thing.
 17 But we learned a lot over those three,
 18 four years that validate to me that you could not
 19 have expanded the supply of this enough. And I
 20 believe that's still true to this day.
 21 Q. Did any other company buy Prolacta after
 22 Abbott turned it down?
 23 A. Not to my knowledge.
 24 Q. In your time as CEO, did you see any